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FAX COVER SHEET

From: Neil R. Jetter

Date: May 13, 2005

PLEASE DELIVER 9 PAGE(S) (including cover sheet) TO:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of LABINOV, et al.

Application No.: 09/813,714

Examiner: Duong, Thanh P.

Date Filed: March 21, 2001

Group: 1764

For: NEW FOSSIL FUEL COMBINED CYCLE POWER SYSTEM

Docket No. 6321-194

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Client/Matter No: 24571-109838 8543

(WP226324;1)

PTO/SB/21 (09-04)

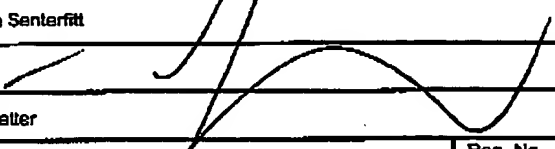
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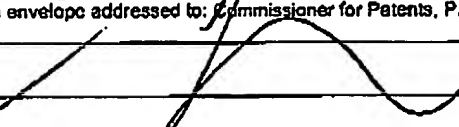
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/813,714
	Filing Date	March 21, 2001
	First Named Inventor	Labinov, et al.
	Art Unit	1764
	Examiner Name	Duong, Thann P.
	Attorney Docket Number	6321-194
Total Number of Pages In This Submission		8

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply to Notice of Non-Compliant Amendment and copy of Notice of Non-Compliant Amendment
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Akerman Senterfitt		
Signature			
Printed name	Neil R. Jetter		
Date	May 13, 2005	Reg. No.	46,803

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Neil R. Jetter	Date	May 13, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of LABINOV, et al.

Application No.: 09/813,714 Examiner: Duong, Thanh P.  
Date Filed: March 21, 2001 Group: 1764  
For: NEW FOSSIL FUEL COMBINED CYCLE POWER SYSTEM

CERTIFICATE UNDER 37 CFR 1.8(a)  
I hereby certify that this correspondence addressed to Mail Stop  
Amendment, Commissioner for Patents is being transmitted via  
facsimile No. 703-872-9306 on 5/13/05

Nell R. Jester Reg. No. 46,803

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RESPONSE TO NOTICE OF NON COMPLIANT AMENDMENT

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Via Facsimile No. 703-872-9306

Mail Stop Amendment  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

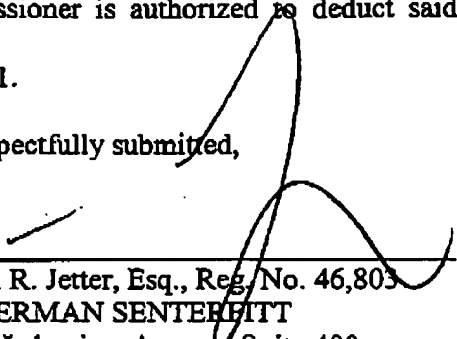
Applicant received a Notice of Non-Compliant Amendment ("Notice") in the above-referenced Application dated May 9, 2005. The Notice indicates that the Amendment filed on October 26, 2004 did not contain a complete listing of all the claims. In response, Applicants submit along with a timely filed Response to Notice of Non-Compliant Amendment, revised pages 3-6 of the Amendment which now contains a complete listing of all the claims and which overcomes the objection and otherwise complies with 37 CFR 1.121.

(WP235145;1)

Applicants believe that no fee is due; however, should any fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Akerman Senterfitt Deposit Account No. 50-0951.

Respectfully submitted,

Date: May 13, 2005

  
\_\_\_\_\_  
Neil R. Jetter, Esq., Reg. No. 46,803  
AKERMAN SENTERFITT  
222 Lakeview Avenue, Suite 400  
West Palm Beach, FL 33401  
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Docket No. 6321-194

{WP235145;1}



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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/26/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: claims 1-10 missing

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Rachel Gholson  
Legal Instruments Examiner (LIE)

571/272-1011  
Telephone No.